

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
and THE STATE OF OKLAHOMA,	)	
<i>ex rel.</i> WAYNE ALLISON, Relator,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV-16-569-F
	)	(31 U.S.C. §3730(b)(2))
SOUTHWEST ORTHOPAEDIC	)	
SPECIALISTS, PLLC, ET AL.,	)	
	)	
Defendants.	)	

**STIPULATION TO DISMISS**

On May 2, 2018, the United States filed its Notice of Election to Intervene in Part and to Decline to Intervene in Part. Doc. 36. Also on May 2, 2018, the State of Oklahoma filed its Notice of Election to Intervene in Part and Decline to Intervene in Part. Doc. 38. In doing so, the United States and State of Oklahoma intervened in that part of this action which alleges that defendants Southwest Orthopaedic Specialists, PLLC (“SOS”), Anthony Cruse, D.O., R.J. Langerman, Jr. D.O., Daniel J. Jones, M.D., Mehdi Adham, M.D., Derek West, D.O., Brian Levings, D.O., Shane Hume, D.O., Brad Reddick, D.O., and Kristopher Avant, D.O. (“SOS Physicians”), submitted or caused to be submitted false or fraudulent claims to government health care programs for ultrasound guidance procedures that were not medically necessary, and the alleged claims that SOS and Brian Levings, D.O., submitted or caused to be submitted false or fraudulent claims to government health care programs for an assistant in surgery when the assistant services were not rendered (“SOS

Claims”). The SOS Claims are identified in paragraphs 177-189 of the Second Amended Complaint.

The United States, State of Oklahoma and Relator Wayne Allison hereby stipulate to the dismissal of the SOS Claims with prejudice, except for Relator’s claims for reasonable expenses, attorneys’ fees and costs under the False Claims Act, 31 U.S.C. Section 3730(D), and the Oklahoma Medicaid False Claims Act, 63 O.S. § 5053.4. By filing this Stipulation, the United States and State of Oklahoma notify the Court that the United States Attorney General and Oklahoma Attorney General consent to the dismissal because the parties have entered into a settlement resolving the SOS Claims. The parties request, therefore, that the Court dismiss the SOS Claims with prejudice. Hereafter, the United States and the State of Oklahoma will no longer be litigating parties in this action.

A proposed order accompanies this Stipulation to Dismiss.

Respectfully submitted,

ROBERT J. TROESTER  
Acting United States Attorney

*s/ Ronald R. Gallegos*

RONALD R. GALLEGOS, Bar No. 013227AZ  
SCOTT MAULE, OBA No. 31760  
Assistant U.S. Attorneys  
United States Attorney’s Office  
210 Park Avenue, Suite 400  
Oklahoma City, OK 73102  
(405) 553-8700 - (fax) 553-8885  
[Ron.Gallegos@usdoj.gov](mailto:Ron.Gallegos@usdoj.gov)  
[Scott.Maule@usdoj.gov](mailto:Scott.Maule@usdoj.gov)  
Counsel for the United States

MIKE HUNTER  
Oklahoma Attorney General

s/ Christopher Robinson

CHRISTOPHER P. ROBINSON  
Oklahoma State Bar # 31204  
Assistant Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Phone: (405) 522-2968  
Fax: (405) 522-3128  
[Christopher.Robinson@oag.ok.gov](mailto:Christopher.Robinson@oag.ok.gov)  
(Signed by Filing Attorney with permission of  
Attorney)

s/ Michael Angelovich

MICHAEL B. ANGELOVICH  
Texas Bar No. 00788128 *Pro Hac Vice*  
BRADLEY W. BESKIN  
Texas Bar No. 24105463 *Pro Hac Vice*  
Nix, Patterson & Roach, LLP  
3600 N. Capital of Texas Highway, Suite B350  
Austin, TX 78746  
Office: (512) 328-5333 – Fax: (512) 328-5335  
[mangelovich@nixlaw.com](mailto:mangelovich@nixlaw.com)  
[bbeskin@nixlaw.com](mailto:bbeskin@nixlaw.com)  
(Signed by Filing Attorney with permission of  
Attorney)

**Certificate of Service**

  X   I hereby certify that on July 11, 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:

<p>Gaylon C. Hayes  Hayes &amp; Hollingsworth, PC  6805 S. Western Ave  Suite 500  Oklahoma City, OK 73139  405-616-5045  Fax: 405-616-5062  Email: <a href="mailto:gaylon@hhhlawfirm.com">gaylon@hhhlawfirm.com</a></p>	<p>Michael B. Angelovich, Sr.  Bradley W. Beskin  Nix Patterson &amp; Roach LLP-AUSTIN  3600 N Capital of Texas Hwy  Bldg. B, Suite 350  Austin, TX 78746  512-328-5333  Fax: 512-328-5335  Email: <a href="mailto:mangelovich@npraustin.com">mangelovich@npraustin.com</a>  Email: <a href="mailto:bbeskin@nixlaw.com">bbeskin@nixlaw.com</a></p>
<p>Michael Burrage  Whitten Burrage  512 N Broadway Ave.  Suite 300  Oklahoma City, OK 73102  405-516-7800  Fax: 405-516-7859  Email: <a href="mailto:mburrage@whittenburragelaw.com">mburrage@whittenburragelaw.com</a></p>	<p>R. Martin Weber , Jr.  Richard E. Norman  Crowley Norman, LLP  Three Riverway  Suite 1775  Houston, TX 77056  713-651-1771  Fax: 713-651-1775  Email: <a href="mailto:mweber@crowleynorman.com">mweber@crowleynorman.com</a>  Email: <a href="mailto:rnorman@crowleynorman.com">rnorman@crowleynorman.com</a></p>
<p>M. Richard Mullins  Riane T. Fern  Ronald T. Shinn, Jr.  McAfee &amp; Taft  211 N Robinson Ave  10th Fl.  Oklahoma City, OK 73102  Tel: 405-235-9621  Fax: 405-235-0439  Email: <a href="mailto:richard.mullins@mcafeetaft.com">richard.mullins@mcafeetaft.com</a>  Email: <a href="mailto:riane.fern@mcafeetaft.com">riane.fern@mcafeetaft.com</a>  Email: <a href="mailto:ron.shinn@mcafeetaft.com">ron.shinn@mcafeetaft.com</a></p>	<p>Christopher P. Robinson  Assistant Attorney General  Attorney General's Office  313 NE 21st St.  Oklahoma City, OK 73105  Phone: (405) 522-2968  Fax: (405) 522-3128  Email: <a href="mailto:christopher.robinson@oag.ok.gov">christopher.robinson@oag.ok.gov</a></p>

Scott Maule, Assistant U.S. Attorney 210 Park Ave., Ste. 400 Oklahoma City, OK 73102 Tel: 405-553-8700 / 8832 Email: <a href="mailto:Scott.maule@usdoj.gov">Scott.maule@usdoj.gov</a>	
---	--

\_\_\_\_\_ I hereby certify that on (date), the foregoing document was mailed, postage prepaid, to the following:

*s/ Ronald R. Gallegos*

RONALD R. GALLEGOS  
Assistant U.S. Attorney